

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
WILLIAM F. CROWELL)	WT Docket No. 08-20
)	
Application to Renew License for Amateur)	FCC File No. 0002928684
Radio Service Station W6WBJ)	
)	

To: Marlene H. Dortch, Secretary
Attn: Chief Administrative Law Judge Richard L. Sippel

**ENFORCEMENT BUREAU'S MOTION TO STRIKE
CROWELL'S UNAUTHORIZED REPLIES**

1. On March 30, 2017, applicant William F. Crowell (Crowell) filed a motion requesting that the Presiding Judge set a field hearing in the above-captioned matter in the Sacramento, California area and a petition requesting that he be allowed to appear at all prehearing conferences via telephone/speakerphone.¹ Crowell's basis for each of these requests is that he does not have the means to travel to Washington, D.C.² On April 3, 2017, the Enforcement Bureau (Bureau) opposed each of these requests.³ On April 4, 2017, Crowell filed a reply to the Bureau's opposition to his motion to appear at the prehearing conference via telephone,⁴ and on April 5, 2017, Crowell filed a reply to the Bureau's opposition to his request

¹ See Licensee's Motion for a Field Hearing [47 CFR, Chapter I, Subchapter A, Part 1, Subpart B, Sec. 1.253], filed Mar. 30, 2017; Licensee's Petition to Permit Him to Appear at All Prehearing Conferences by Telephone/Speakerphone [47 C.F.R., Part 1, Subpart B, § 1.248(f)], filed Mar. 30, 2107.

² See *supra* n.1.

³ See Enforcement Bureau's Opposition to Crowell's Motion for a Field Hearing, filed Apr. 3, 2017; Enforcement Bureau's Opposition to Crowell's Petition to Attend all Prehearing Conferences Via Telephone, filed Apr. 3, 2017.

⁴ See Reply to E.B.'s Opposition to Motion to Appear at Conference by Telephone [Title 47 CFR, Chapter I, Subchapter A, Part 1, Subpart A, Sec. 1.45(c)], filed Apr. 4, 2017.

for a field hearing.⁵ For the reasons discussed below, the Acting Chief, Enforcement Bureau, through his attorneys, respectfully moves to strike Crowell's replies as unauthorized.

2. Crowell's interlocutory requests for a field hearing and to appear at all prehearing conferences via telephone were each filed pursuant to rules set forth in 47 C.F.R., Chapter I, Subchapter A, Part 1, Subpart B – entitled "Hearing Proceedings."⁶ Accordingly, the timing, and allowance (if any), of oppositions or replies thereto are governed by the rules for hearing proceedings, and not, as Crowell mistakenly contends, Section 1.45 of the Commission's rules (Rules).

3. Here, Section 1.294 of the Rules (in 47 C.F.R., Chapter I, Subchapter A, Part 1, Subpart B) specifically provides that "[a]ny party to a hearing may file an opposition to an interlocutory request filed in that proceeding"⁷ and that except for certain types of interlocutory requests set forth in Section 1.294(c) of the Rules, "**replies to oppositions will not be entertained.**"⁸ Moreover, Section 1.294(d) of the Rules states "[a]dditional pleadings may be filed **only** if specifically requested or authorized by the person(s) who is to make the ruling."⁹

4. Crowell's interlocutory requests for a field hearing and to appear at all prehearing conferences via telephone do not fall within the exceptions set forth in Section 1.294(c) of the Rules. In addition, Crowell failed to file a request for leave to file a reply – or indeed offer any basis for why a reply would be warranted. Accordingly, pursuant to Section 1.294(b) of the Rules, Crowell's replies to the Bureau's oppositions are unauthorized and should be stricken

⁵ See Reply to E.B.'s Opposition to Motion For Field Hearing [Title 47 CFR, Chapter I, Subchapter A, Part 1, Subpart A, Sec. 1.45(c)], filed Apr. 5, 2017.

⁶ See *supra* n.1.

⁷ 47 C.F.R. § 1.294(a).

⁸ 47 C.F.R. § 1.294(b) (emphasis added).

⁹ 47 C.F.R. § 1.294(d) (emphasis added).

from the record.

Respectfully submitted,

Michael Carowitz
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April 5, 2017

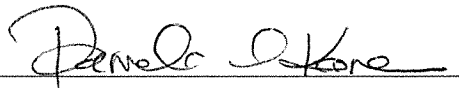
CERTIFICATE OF SERVICE

Pamela S. Kane certifies that she has on this 5th day of April, 2017, sent copies of the foregoing "ENFORCEMENT BUREAU'S MOTION TO STRIKE CROWELL'S UNAUTHORIZED REPLIES" via email to:

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